

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

PATSY’S BRAND, INC.,

*Plaintiff,*

v.

I.O.B. REALTY, INC., PATSY’S INC.,  
FRANK BRIJA, JOHN BRECEVICH, and  
NICK TSOULOS

*Defendants.*

Civil Action No. 99-cv-10175 (KMW)

**NOTICE OF MOTION  
FOR CIVIL AND CRIMINAL  
CONTEMPT FOR VIOLATION OF  
THE PERMANENT INJUNCTION  
AND TO MODIFY THE  
PERMANENT INJUNCTION**

**PLEASE TAKE NOTICE** that plaintiff Patsy’s Brand, Inc. (“Patsy’s Brand”), by and through its undersigned counsel, hereby moves before the Honorable Kimba M. Wood, U.S.D.J. at the U.S. Courthouse for the Southern District of New York, 500 Pearl Street, Courtroom 26A, New York, New York, pursuant to Local Rule 83.6 and the Court’s inherent power to enforce its orders, for entry of an Order holding defendants Isa Brija a/k/a Frank Brija, I.O.B. Realty, Inc., Nexhmiye Nezaj, Muharrem Memishaj, and Brian Roffe, Esq., in civil contempt for violating the Permanent Injunction entered by the Honorable John S. Martin, U.S.D.J. on April 17, 2001 (ECF 82) (“Injunction”), as modified and affirmed by the U.S. Court of Appeals for the Second Circuit at *Patsy’s Brand, Inc. v. I.O.B. Realty, Inc.*, 317 F.3d 209 (2d Cir. 2003).

**PLEASE TAKE FURTHER NOTICE** that Patsy’s Brand additionally moves the Court to institute criminal contempt proceedings against Brija, Nezaj, and Memishaj, pursuant to the Court’s inherent authority and 18 U.S.C. § 401(3) and in compliance with Fed. R. Crim. P. 42.

**PLEASE TAKE FURTHER NOTICE** that Patsy’s Brand additionally moves the Court to modify the Permanent Injunction to add additional permanent injunctive decrees enjoining Contemnors from certain additional conduct set forth in the accompanying Memorandum of Law.

**PLEASE TAKE FURTHER NOTICE** that Patsy's Brand shall rely upon the accompanying Memorandum of Law, Declaration of Joel G. MacMull with Exhibits, Declaration of Robert Goldkind with Exhibit, and the Proposed Order.

**MANDELBAUM BARRETT PC**

By: /s/ Joel G. MacMull

Joel G. MacMull

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*Attorneys for Plaintiff*

*Patsy's Brand, Inc.*

Dated: March 8, 2024

**CERTIFICATE OF SERVICE**

I, Joel G. MacMull, hereby certify that on March 8, 2024, I caused a copy of the foregoing motion to be served upon the counsel of record for I.O.B. Realty, Inc. and/or Isa Brija named below, by CM/ECF and electronic mail:

Boris Kogan, Esq.  
Boris Kogan & Associates, P.C.  
11 Broadway, Suite 615  
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Brian Roffe, Esq.  
20 Adele Boulevard  
Spring Valley, NY 10977  
patentattorney@comcast.net

I, Joel G. MacMull, hereby further certify that on Tuesday, March 8, 2024, pursuant to Local Rule 83.6, I sent a copy of the foregoing motion together with a copy of Local Rule 83.6 to a process server to personally serve the persons named below at the addresses identified below:

Nexhmije Nezaj  
211 North End Avenue, Apt. 8F  
New York, NY 10282

Muharrem Memishaj  
88 East Sanford Street  
Yonkers, NY 10704

Brian Roffe, Esq.  
20 Adele Boulevard  
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patentattorney@comcast.net

Dated: March 8, 2024

/s/ Joel G. MacMull  
Joel G. MacMull